

JUN 1 2004

TECHNOLOGY CENTER 2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Marie VOGEL et al.

Confirmation No.: 6000

Application No.: 09/528,989

Group Art Unit: 1617

Filed: March 20, 2000

Examiner: L. Wells

For: INJECTABLE AND SWELLABLE
MICROSPHERES FOR TISSUE BULKING

Attorney Docket No.: 9676-292

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
PO Box 1450
Mail Stop AF
Alexandria, Virginia 22313-1450

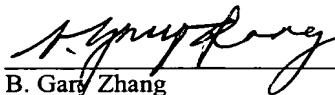
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated November 26, 2003 of the Primary Examiner finally rejecting claims 1-4, 7, 8, 11-20 and 52 of the above-identified application.

1. An extension of time for responding to the final rejection for three (3) months is submitted herewith.
2. A timely response to the final rejection has been filed.
3. Applicant has qualified for the 50% reduction in fee for an independent inventor, non profit organization or small business concern and a fee in the amount of \$165.00 is Required.
4. Please charge the required fee, if any, to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: May 26, 2004


B. Gary Zhang (Reg. No. 47,331)

For: Anthony M. Insogna (Reg. No. 35,203)

JONES DAY
51 Louisiana Avenue, N.W.
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enclosure

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